

Ottawa, Ontario,
K1A 0H3.

April 25, 1974.

Mr. C.H. Tompleton, Chairman,
Environment Protection Board,
528 St. James Street S.,
Winnipeg, Manitoba,
R3G 5J4.

CANADIAN ARCTIC
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Dear Mr. Tompleton,

This refers to your letter of March 15 and my reply
of March 22, 1974.

I enclose a number of Tables prepared in September
1973 by the Environmental Protection Service of this Department.
They are:

- a) Table I which shows the number of prosecutions
and convictions under section 30 and 33 of the
Fisheries Act and under provincial water pollution
legislation for 1970-1972. Since the administration
of the Fisheries Act has been delegated to some of
the provinces, in whole or in part, Fisheries Act
"pollution" prosecutions are shown according to whether
they are conducted by the legal arm of the federal or
provincial government. As you are no doubt aware
section 53 of the Fisheries Act was substantially amended
in 1970. It is under this new section and the regulations
enacted pursuant thereto that most of the "pollution"
prosecutions under the Fisheries Act have been laid.
Certain provinces, as you will see, have chosen to pro-
secute for water pollution offences under their own
provincial laws rather than under the Fisheries Act
(assuming that the Fisheries Act could have been used).
In Ontario, Metropolitan Toronto has also prosecuted
some industries for violation of a municipal by-law en-
joining certain discharges into storm sewers and the
domestic sewage system.

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MACKENNIE VALLEY PETROLEUM INDUSTRY
EXHIBIT NO. 1746 DATE April 7/76
Yellowknife NWT.
C.O.P.T.

- b) Table II lists those who were fined \$1,000 or more under section 33 of the Fisheries Act from 1970 to June 1973 and gives the offence with which they were charged.
- c) Table III lists those who were fine \$1,000 or more under Ontario Water pollution legislation from 1970 to June 1973.
- d) Table IV gives more detail respecting prosecution in British Columbia from 1970 to June 1973 under the Fisheries Act. In British Columbia the federal authority is responsible for administration on salmon rivers and in Coastal waters and the provincial authority for the remainder.
- e) Table V shows convictions under the Canada Shipping Act and relevant regulations for oil spills for the years 1970, 1971 and 1972. It is broken down according to the province where the spill occurred. Since 1971 the maximum fine has been \$100,000. I understand that the largest fine imposed up to June 1973 was \$15,000.

I am reliably informed that as of March 28, 1974 no prosecutions for pollution have been initiated under the Northern Inland Waters Act or the Arctic Waters Pollution Prevention Act. Prosecutions under the Territorial Land Use Regulations have been three namely,

1972

Kenaston Drilling - conducted a land use operation without a permit - a fine of \$100.00 was imposed by J.P. after appeal by the Crown the Territorial Court imposed a fine of \$2,000.

1973

Panarctic Oils - 3 charges were laid in respect of 3 separate drilling operations. Two of these charges were dropped on the recommendation of the Crown Prosecutor. In respect of the 3rd charge a fine of \$3,500 was imposed. The infringement was failure to carry out a stipulation of the land use permit having to do with control and disposal of drilling fluid.

Gulf Oil - the company was charged for failing to comply with a stipulation of its land use permit for a drilling operation. A fine of \$3,500 was imposed.



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Section 35 of the Migratory Birds Regulations forbids the deposit of substances harmful to migratory birds in waters or areas frequented by such birds. The Program Administrator of the Canadian Wildlife Service informs me that there have been few, if any, charges laid under this section.

I hope the foregoing will be of assistance to you. I have not attempted to compile anything on air, noise and vibration prosecutions.

Yours truly,

C.S. Alexander, *(General Rep.)*
Legal Advisor.

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